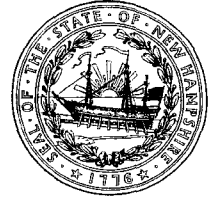




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

October 14, 2005

Mr. Wayne Barrows
55 Lafayette Rd.
Portsmouth, New Hampshire 03801

**CERTIFIED MAIL (7099 3400 0018 1290 0991)
RETURN RECEIPT REQUESTED
NOTICE OF PAST VIOLATION**

RE: Improper Asbestos Removal at 465 Maplewood Ave., Portsmouth, NH

Dear Mr. Barrows:

On March 29, 2005, the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), received information from the Portsmouth Code Enforcement Department ("Code Enforcement") that you had begun a renovation project at a multi-family house that you own located at 465 Maplewood Ave., Portsmouth, NH ("the Property"). Code Enforcement stopped the renovation project at the property for failure to obtain a building permit and immediately contacted DES personnel.

On March 30, 2005, DES personnel went to the Property to determine if asbestos-containing material ("ACM") had been disturbed during the renovation project, and to determine conformance with provisions of RSA 141-E and the NH Admin. Rules Env-A 1800, *Asbestos Management and Control*, regulating asbestos abatement activities. During the site visit, DES personnel observed bags of insulation and a pile of asbestos-contaminated pipes and other debris. Also, there were insulated pipes still hanging, and the floor was covered with insulation debris. Lastly, DES personnel photographed steam pipes and debris from the renovation and took several samples of suspected ACM for laboratory analysis. The lab results confirmed that the fragments found at the property contained ACM.

On April 12, 2005, DES was contacted by Twin Brooks Environmental and was given a waiver to begin the abatement work at the Property, which was to be completed on April 15.

The purpose of this letter is to notify you of the violations discovered during the inspection conducted on March 30, 2005. The specific violations are as follows:

- Env-A 1803.03 requires each facility operator to provide written notification to DES and the city/town health officer, as applicable to the worksite location, in accordance with Env-A 1803.06 at least 10 working days before any demolition activity begins. This notification is required regardless of the amount of ACM that is contained in the facility. The required 10 working day notification was never made to DES or the City of Portsmouth's health officer.
- Env-A 1804.01 requires that before undertaking any demolition or renovation, each facility operator shall provide for an inspection of the affected portion(s) of the facility for the presence of ACM. The inspection must be done by someone capable of identifying asbestos hazards and who has completed, at a minimum, a training course for asbestos inspectors. An inspection was not conducted prior to the renovation work that was done at the Property.

- Env-A 1805, *Work Practice Requirements*, contains specific provisions pertaining to the proper handling, removal and disposal of ACM. In particular, Env-A 1805.02 requires personnel involved in any major asbestos abatement project to be licensed and certified. In addition, Env-A 1805 requires that the operator of a facility at which major asbestos abatement activity will occur take steps to prevent exposure to asbestos fibers during removal, including isolating the work area and using wet removal methods. A licensed asbestos abatement worker in the State of New Hampshire did not do the renovation work, and required work practice standards were not followed during the removal of the ACM.

As the renovation work has been completed and the ACM has been removed from the Property, no further action related to the listed violations is required. However, please be advised that anytime the presence of ACM is suspected, an inspection for ACM should be conducted prior to initiating any renovation or demolition activities. DES believes that you can avoid the improper disturbance of ACM and the health hazards and liability that are associated with exposure to asbestos by complying with Env-A 1800, *Asbestos Management and Control*, a copy of which is enclosed.

If you believe that DES has cited these violations in error or have any questions or additional information regarding this matter, please contact Mr. Steve Cullinane, Asbestos Program Manager, Compliance Bureau, Air Resources Division, at (603) 271-1373.

Sincerely,



Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/emj

Encl.: Env-A 1800

cc: W. Toland, EPA
G. Hamel, Legal Unit Administrator
J. Page, Portsmouth Code Enforcement Officer
Source File